

## REMARKS

Applicants have studied the Office Action dated May 26, 2004, and have made amendments to the drawings, specification and claims. Claims 10 and 20 have been canceled without prejudice. Claims 1, 11 and 23 have been amended. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

### Objection to the Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because the item numbers shown in the drawings were not consistent with the numbers used in the description. In response, Figures 2 and 3 have been corrected. Specifically, the item numbers have been replaced as follows:

Figure 2	<u>Original Number</u>	<u>Corrected Number</u>
	T-10	110
	T-20	120
	T-40	140
	T-50	150
	T-60	160
	T-70	170
	T-80	180
	T-90	190
	T-100	200

Figure 3	<u>Original Number</u>	<u>Corrected Number</u>
	T-11	211
	T-12	212
	T-13	213
	T-14	214
	T-15	215
	T-16	216
	T-17	217

In view of the above, Applicants respectfully request that the objection to the drawings be withdrawn.

#### Amended Specification

In view of the corrected drawings made by this paper, minor changes have been made to the specification to reflect the corrected item numbers of Figures 2 and 3. In the paragraph beginning at page 12, line 21, "T-13" and "T-20" have been replaced with --213-- and --120--, respectively. In the paragraph beginning at page 13, line 6, "T-60" has been replaced with --160--.

#### Rejection under 35 U.S.C. § 102

Claims 1, 11-19 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,381 to Jeon et al. (Jeon et al.). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

Independent claims 1, 11 and 23 have been amended to recite the limitation of "downloading updated application programs to the test terminal from the server when the test terminal is initially connected to the server". As stated by the Examiner at page 4, paragraph 4 of the Office action, Jeon et al. does not teach such a limitation. Therefore, because there is no identity of invention between claimed invention and the cited prior art, Applicants respectfully submit that independent claims 1, 11 and 23 and the claims dependent therefrom are allowable under § 102(e) in view of Jeon et al.

#### Rejection under 35 U.S.C. § 103

Claims 10 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeon et al. in view of JP408263409A to Wakahara (Wakahara). With this paper, original claims 10 and 20 have been canceled. Thus, the rejection as to those claims is now moot. However, the

limitations found in original claims 10 and 20 have been amended into independent claims 1, 11 and 23. Therefore, with respect to amended claims 1, 11 and 23, the rejection is respectfully traversed.

As stated above, claims 1, 11 and 23 have been amended to recite the limitation of "downloading updated application programs to the test terminal from the server when the test terminal is initially connected to the server". According to the Examiner, it would have been obvious to one of ordinary skill in the art to modify Jeon et al. by what is taught in Wakahara to derive the claimed invention. Applicants respectfully disagree. Wakahara specifically states that before the download of software to the terminal, the server transmits an environment search program to the terminal. The terminal then investigates its own hardware/software environment and reports it to the server. After, the server analyzes the report from the terminal, decides upon any optimum software to be transmitted to the terminal and downloads the software to the terminal. See Abstract of Wakahara.

In contrast, Jeon et al. discloses that after the terminal automatically connects to the server upon being turned on, the terminal sends the server power-on registration data together with position data and then waits for instructions from the server. See column 6, lines 32-36 of Jeon et al. Unlike Wakahara, the terminal in Jeon et al. is the first to act between the server and the terminal after initial connection. Therefore, Applicants respectfully submit that there is no suggestion in the Jeon et al. and the Wakahara references that would cause one of ordinary skill in the art to implement a method, system or an article of manufacture for automatically measuring network parameters relating to wireless network environments with a server and at least one test terminal wherein the terminal automatically connects to the server upon being turned on, sends power-on registration data to the server and automatically downloads updated application programs from the server when the terminal initially connects to the server, as recited in claims 1, 22 and 23. In view of this, Applicants request that the rejections based on Jeon et al. in view of Wakahara be withdrawn.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeon et al. in view of U.S. Patent No. 6,662,217 to Godfrey et al. (Godfrey et al.). This rejection is respectfully traversed. Independent claim 11, from which claim 21 depends from, has been amended to recite "means for downloading updated application programs to the test terminal from the server when the test terminal is initially connected to the server". Because neither Jeon

et al. nor Godfrey et al. either alone or in combination teach or suggest such a feature, Applicants respectfully request that rejection be withdrawn.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeon et al. in view of U.S. Patent No. 6,298,377 to Hartikainen et al. (Hartikainen et al.). This rejection is respectfully traversed. Independent claim 11, from which claim 22 depends from, has been amended to recite "means for downloading updated application programs to the test terminal from the server when the test terminal is initially connected to the server". Because neither Jeon et al. nor Hartikainen et al. either alone or in combination teach or suggest such a feature, Applicants respectfully request that rejection be withdrawn.

### CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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